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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/444,095 | 11/22/1999 | SOFI M. IBRAHIM | ARMY-123 | 8187 |
| 30951 | 7590 | 09/20/2004 | EXAMINER | |
| NASH & TITUS, LLC 21402 UNISON RD MIDDLEBURG, VA 20117 | | | ART UNIT | PAPER NUMBER |

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

The appeal brief filed on 08 September is defective because the brief does not identify where all of the limitations of the claims are to be found in the specification, using page and line number, and to the drawing, if any, by reference to characters. 37 CFR 1.192(c)(5). The Brief does not identify where the specification teaches that "only DNA or RNA" are bound to microstructures after washing when they are bound there non-specifically (claim 31). The Brief does not identify where the specification teaches that the microstructures can be of virtually any size, as encompassed by claims 33 and 34. The Brief does not identify where the specification teaches a sample collection assembly that "comprises a mesh outer surface where microstructures are microparticles enclosed within [a] mesh outer surface." Appellant is urged to carefully review the Brief so to ensure that support (page and line number, etc.) is identified for each limitation of the claims.

To avoid dismissal of the appeal, appellant must submit the necessary additional copies of the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (571) 272-0751. The examiner can normally be reached on 6:30 a.m. to 5 p.m., Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley L. Sisson
Primary Examiner
Art Unit: 1634